IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16571 of 2004

Between:

S. Margaret, D/o. S. Williams, aged about 47 years,

Working as Secondary Grade Teacher,
Ambedkar Oriental High School, Ashok Nagar,

Chinna Chowk, Kadapa, Kadapa District.

..... PETITIONER

AND

1.The State of Andhra Pradesh, rep. by its Secretary to Education

Department (School Edn.), Secretariat Buildings, Hyderabad.
2.The Commissioner & Director of School Education, Andhra

Pradesh, Hyderabad.
3.The District Educational Officer, Kadapa District at Kadapa.
4.The Correspondent, Ambedkar Oriental High School,
Ashok Nagar, Chinna Chowk, Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction more in the nature of Writ of Mandamus declaring the action of the Respondents in not refixing the pay of the petitioner from the date of her initial appointment and not granting the increments including the notional seniority and further not counting the unaided service rendered by the petitioner for the purpose of pension as illegal, unjust, arbitrary, discriminatory and violative of Articles 14 and 16 of Constitution of India and consequently direct the Respondents to refix the pay of the petitioner from the date of her appointment along with increments and notional seniority and further count the unaided service rendered by the petitioner for the purpose of calculating the pension with all other attendant benefits in accordance with Rules and also law laid down by this Hon'ble Court, as was done in cases of similarly situated persons.

Counsel for the Petitioner: MR.POODATTU AMARENDER

Counsel for the Respondent Nos.1 to 3.: GP FOR EDUCATION

Counsel for the Respondent No.4: None appeared.

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.16571 OF 2004

ORDER:

The petitioner is contending that she was initially appointed as a Secondary Grade Teacher in an unaided post. She further contends that her appointment in the unaided post was approved on 14.03.1995. The petitioner was absorbed into the grant-in-aid post vide proceedings dated 31.10.1995. The petitioner contends that she is entitled to get her pay fixed from the date of her initial appointment i.e. 16.06.1986. The petitioner further contends that she made a representation to the third respondent on 08.04.2003 contending that she is eligible for fixation of pay under Automatic Advancement Scheme/Career Advancement Scheme as per Government Memo. No.9968/PS-I/2001, Education (PS) Department, dated 07.08.2002.

2. The grievance of the petitioner is that the third respondent did not pass any orders on her representation till now. Therefore, the petitioner approached this Court through this writ petition seeking a direction to the third respondent to pass appropriate orders on her representation. In the affidavit, the petitioner mentioned that the Government also issued G.O.Ms.No.32 dated 05.04.2004 directing to count the unaided service also for the purpose of pension and Automatic Advancement Scheme in the case of teaching and non-teaching staff of Private Aided Junior/Degree Colleges.

3. In the light of the submissions made by the petitioner, the third respondent is directed to pass appropriate orders on the representation of the petitioner dated 08.04.2003 as per the rules and G.Os. in force within eight weeks from the date of receipt of a copy of this Order.

4. The Writ Petition is accordingly disposed of. No order as to costs.

Dr.G.YETHIRAJULU, J

Date:16th September, 2004.

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1.The Secretary, Education Department (School Eduction), State of Andhra Pradesh, Secretariat Buildings, Hyderabad.

2.The Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.

3.The District Educational Officer, Kadapa District at Kadapa.

4.The Correspondent, Ambedkar Oriental High School, Ashok Nagar, Chinna Chowk, Kadapa, Kadapa District.

5.Two C.Cs. to the Government Pleader for Education, High Court Buildings, Hyderabad. (O.U.T.)

6.Two C.D. copies.